

4 February 1980

MEMORANDUM FOR: [REDACTED] SA/DDCI STATINTL

FROM: DCI Management Advisory Group

SUBJECT: DCI/MAG Recommendation Concerning Issuance of Policy Statement on CIA's Obligations to its Employees

REFERENCE: EXCOM 9001-80, 04 Jan 1980

The DCI Management Advisory Group (DCI/MAG) has reviewed the referenced request and recommends that any policy statement concerning the Agency's obligations to its employees be in accord with existing regulations and reflect the awareness of most Agency personnel that this Agency is unique, resourceful and successful because of the caliber of its employees. The DCI/MAG believes most employees readily accept and comply with Agency regulations. Equitable, judicious and compassionate application of these regulations by those charged with such authority is, in our view, likely to help maintain high morale and to result in fewer civil suits against the Agency by current or former employees seeking redress. The DCI/MAG opposes any dilution of the DCI's special authority.

For the DCI/MAG

[REDACTED]
Chairman

STATINTL

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DEPUTY DIRECTOR

6 February 1980

NOTE FOR: Director of Personnel
Policy, Planning, and
Management

Harry--

Harry
Attached is the DCI MAG response
to the ExCom NAPA issue concerning
issuance of policy statement on
CIA's obligations to its employees.
They came out the same place as ExCom!
Not worth doing, not even sure it
could be done.



Attachment

STATINTL

STATINTL

Approved For Release 2001/11/08 : CIA-RDP89-01114R000300030002-9

00300030002-9

PERS 8-611

EXCOM 9001-80

Chairman

STATINTL

04 JAN 1980

MEMORANDUM FOR:

Advisor, DCI Management Advisory Group

STATINTL

FROM

: SA/DDCI

SUBJECT

: Request for DCI Mag Assistance on NAPA Recommendation

REFERENCE

: Tab W, The NAPA Project Group Report, 2 November 1979

The Executive Committee would like the DCI Management Advisory Group to review the referenced (copy attached) and advise the committee how the DCI/DDCI could issue a statement on the Agency's obligations to its employees that would reconcile three seemingly conflicting objectives: improve employee morale; do not jeopardize the DCI's authority to dismiss employees; and do not make the Agency vulnerable to law suits. An excerpt from the 18 December committee meeting is attached as background. The MAG may want to consult with one of its former OGC representatives to represent Dan Silver's concerns. If they have any further questions, they can call [REDACTED]

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Attachments:
as stated

TAB W

AGENCY'S OBLIGATION TO EMPLOYEES

I. NAPA Recommendation.

NAPA, in addressing both the need for a system to deal with personnel reductions and in assessing the validity of the "flow-through" concept, recommended "reviewing the Agency's obligation to employees in terms of retention until eligible for retirement and/or retention in positions outside of the groups affected." (NAPA, Conclusions, p. 100.)

II. Discussion.

A. Present Agency regulations on the separation of excess personnel

state: "if an employee is excess to the needs of a component and requests assistance for reassignment, an effort will be made first by the Career Service and then by the Office of Personnel to find suitable employment elsewhere in the Agency." In addition, per [REDACTED], the Director of Personnel will "provide a program to assist prospective retirees in preparing for and obtaining post-retirement employment and to furnish prospective resignees with possible sources of new employment." Resignees have also included employees declared excess to needs, and the out-placement program has been extended to them.

B. A NAPA Project Group paper recommends that, in the event of a need for personnel reductions, the program be developed around certain basic criteria. In addition, the recommendation states that information on placement opportunities, both internal and external be provided employees subject to a reduction program.

C. However, there is not a defined and recorded policy statement on the Agency's obligation to employees. The policy can in part be gleaned

from existing regulations and recommendations for new policy.

III. Conclusions.

A. A policy statement on the Agency's obligations to employees is needed, particularly on how this obligation relates when personnel reduction programs are necessary.

B. The policy statement should acknowledge the dynamic nature of the Agency's mission and functions, the ever-present possibility of an imposed reduction in the Agency's personnel ceiling and, the need for a balanced and productive work force.

IV. Recommendations.

A. Approve a policy that offers the opportunity for career employment to employees so long as the employee's performance is acceptable, the employee continues to contribute to Agency needs and there is a position available within the Agency where the employee's skills, talents, and experience can be utilized.

The above recommendation is () approved () disapproved.

B. If the above policy is approved, have the Director of Personnel prepare it for publication in Agency regulations.

The above recommendation is () approved () disapproved.

Deputy Director of Central Intelligence

Date

EXCERPT FROM THE 18 DECEMBER 1979 EXECUTIVE COMMITTEE MEETING

6. Section W. The DCI highlighted his concept of the Agency's obligation to employees during their three-year probationary period, the subsequent period until they become eligible for retirement, and the period during which they are eligible for retirement. The potential advantages and disadvantages of issuing such a statement were discussed. Mr. Silver emphasized three disadvantages from a legal standpoint: potential vulnerability to age discrimination suits, possible loss of the DCI's statutory authority to dismiss employees, and possibly providing employees the "standing to sue" for tenure rights. The Committee agreed to ask the DCI MAG to consider the dilemmas presented by this issue: How can the Agency issue a statement on its obligations to employees that will improve employee morale, retain the DCI's authority to dismiss employees when appropriate, and not make the Agency vulnerable to law suits.